

**REMARKS**

Claims 1-72 are pending in the subject application.

Applicant has amended claims 1, 10, 13, 17, 19, 33, 49, 65, and 71. These changes do not introduce any new matter.

Applicant respectfully requests reconsideration of the rejection of claims 1, 2, 10, 33, 34, 45, 71, and 72 under 35 U.S.C. § 103(a) as being unpatentable over *Pritchett* (U.S. Patent No. 6,147,772) in view of *Usami* (U.S. Patent No. 5,748,342). As will be explained in more detail below, the combination of *Pritchett* in view of *Usami* does not raise a *prima facie* case of obviousness against the presently claimed subject matter.

Applicant has amended each of independent claims 1, 10, 33, and 71 to specify that the use information is given to the image data by an image generating device. In formulating the obviousness rejection, the Examiner admits that the *Pritchett* reference does not disclose means for acquiring use information associated with the image file (see the Final Office Action at page 2), but alleges that the *Usami* reference cures the deficiency of the *Pritchett* reference in this regard. For the reasons set forth below, the *Usami* reference does not disclose or suggest the “use information” specified in the presently claimed subject matter.

The *Usami* reference discloses the displaying of an input image and two different versions of the input image, one version with color space compression performed thereon and the other version without color space compression, on a monitor screen, in response to the user’s instructions. The Examiner alleges that this disclosure constitutes “use information” as in the claimed subject matter. Applicant respectfully traverses the Examiner’s characterization of the *Usami* reference relative to the claimed subject matter.

The input from the user regarding image selection shown in the *Usami* reference does not constitute “use information” as in the presently claimed subject matter for at least the reason that such input does not relate to whether or not out of gamut information is to be

used. To be more specific, *Usami*'s configuration does not carry out subsequent image processing unless some input is received from the user. Further, the input provided by the user is a request rather than information, and the request does not determine whether or not image processing should be carried out. As such, the *Usami* reference does not disclose a configuration that determines whether or not out of gamut information for a predetermined color space is to be used, on the basis of the information associated with the target image data.

The presently claimed subject matter, on the other hand, makes a decision on the information associated with the target image data, so as to implement image processing on the data. This is distinguishable from what happens in the configuration shown by *Usami*. Further, it is conventional and hence obvious to input instructions for image processing into an image processing apparatus. It is, however, not obvious to give image processing instructions to an image data generating device, as demonstrated by the lack of any teaching or suggestion in this regard in the *Usami* reference.

In summary, Applicant has amended the claims to specify that the use information is given to the image data by an image data generating device. The configuration shown by *Usami* cannot carry out image processing without input from the user. In contrast, the presently claimed subject matter performs image processing on the basis of the image data and does not require any input from a user.

Finally, as noted in Applicant's prior response, the *Usami* reference discloses a technique for choosing between performance and nonperformance of color space compression of an input image. In other words, *Usami*'s technique is premised on color space compression. In contrast, the *Pritchett* reference denies color space compression. As such, with regard to color space compression, the *Usami* reference is incompatible with the *Pritchett* reference. Consequently, there would not have been any motivation for one having

ordinary skill in the art to combine the teachings of the *Pritchett* and *Usami* references in the manner proposed by the Examiner.

Thus, for at least the foregoing reasons, the combination of the *Pritchett* and *Usami* references does not raise a *prima facie* case of obviousness against the presently claimed subject matter. Accordingly, claims 1, 2, 10, 33, 34, 45, 71, and 72, as amended herein, are patentable under 35 U.S.C. § 103(a) over the combination of *Pritchett* in view of *Usami*.

Applicant respectfully requests reconsideration of the rejection of claims 3, 7, 19-22, 27-29, 32, 35-38, and 44 under 35 U.S.C. § 103(a) as being unpatentable over *Pritchett* in view of *Usami* as applied against claim 1, and further in view of *Roberts* (U.S. Patent No. US 6,758,574 B1). Each of claims 3, 7, 19-22, 27-29, 32, 35-38, and 44 specifies the claimed concept discussed above in connection with the obviousness rejection based on the *Pritchett* and *Usami* references, which concept is to determine whether or not out of gamut information for a predetermined color space is to be used. In addition, independent claim 19 has been amended to specify that the use information is given to the image data by an image data generating device. The *Roberts* reference does not cure the above-discussed deficiencies of the combination of the *Pritchett* and *Usami* references relative to the presently claimed subject matter. Accordingly, claims 3, 7, 19-22, 27-29, 32, 35-38, and 44 are patentable under 35 U.S.C. § 103(a) over the combination of *Pritchett* in view of *Usami* as applied against claim 1, and further in view of *Roberts* for at least the same reasons set forth above in connection with the obviousness rejection of claim 1.

Further, regarding claim 9, none of the *Pritchett*, *Usami*, and *Roberts* references discloses or suggests using different gamma correction values for two pieces of image data that respectively contain positive color representation values and negative color representation values. In support of the rejection the Examiner notes that “official notice has been taken that different colors and different input data values use different gamma

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correction values when converting from one color space to another.” Final Office Action at page 21. Under the condition that a color space before conversion and a color space after conversion are the same, the use of different gamma correction values (i.e., different gamma correction values for positive color representation values and negative color representation values) is beyond the scope of the official notice taken by the Examiner, and is neither shown nor suggested in the prior art applied by the Examiner. As such, the prior art applied by the Examiner does not raise a *prima facie* case of obviousness against the subject matter defined in claim 9.

Applicant respectfully requests reconsideration of the rejection of claims 4-6, 8, 9, 11, 12, 39-41, 43, and 46-48 under 35 U.S.C. § 103(a) as being unpatentable over *Pritchett* in view of *Usami* as applied against claim 1, and further in view of *Ito* (U.S. Patent No. 6,108,443). Each of claims 4-6, 8, 9, 11, 12, 39-41, 43, and 46-48 specifies the claimed concept discussed above in connection with the obviousness rejection based on the *Pritchett* and *Usami* references, which concept is to determine whether or not out of gamut information for a predetermined color space is to be used. The *Ito* reference does not cure the above-discussed deficiencies of the combination of the *Pritchett* and *Usami* references relative to the presently claimed subject matter. Accordingly, claims 4-6, 8, 9, 11, 12, 39-41, 43, and 46-48 are patentable under 35 U.S.C. § 103(a) over the combination of *Pritchett* in view of *Usami* as applied against claim 1, and further in view of *Ito* for at least the same reasons set forth above in connection with the obviousness rejection of claim 1.

Applicant respectfully requests reconsideration of the rejection of claims 13-15, 49, and 59-62 under 35 U.S.C. § 103(a) as being unpatentable over the combination of the combination of *Pritchett* in view of *Usami* as applied against claim 1, and further in view of *Watanabe* (U.S. Patent No. 5,528,293). Each of claims 13-15, 49, and 59-62 specifies the claimed concept discussed above in connection with the obviousness rejection based on the

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*Pritchett* and *Usami* references, which concept is to determine whether or not out of gamut information for a predetermined color space is to be used. In addition, each of independent claims 13 and 49 has been amended to specify that the use information is given to the image data by an image data generating device. The *Watanabe* reference does not cure the above-discussed deficiencies of the combination of the *Pritchett* and *Usami* references relative to the claimed subject matter. Accordingly, claims 13-15, 49, and 59-62 are patentable under 35 U.S.C. § 103(a) over the combination of *Pritchett* in view of *Usami* as applied against claim 1, and further in view of *Watanabe* for at least the same reasons set forth above in connection with the obviousness rejection of claim 1.

Applicant respectfully requests reconsideration of the rejection of claims 16, 63, and 64 under 35 U.S.C. § 103(a) as being unpatentable over the combination of *Pritchett*, *Usami*, and *Watanabe* as applied against claim 13, and further in view of *Parulski et al.* (U.S. Patent No. US 6,812,961 B1). Each of claims 16, 63, and 64 specifies the claimed concept discussed above in connection with the obviousness rejection based on the *Pritchett* and *Usami* references, which concept is to determine whether or not out of gamut information for a predetermined color space is to be used. The *Parulski et al.* reference does not cure the above-discussed deficiencies of the combination of the *Pritchett*, *Usami*, and *Watanabe* references relative to the presently claimed subject matter. Accordingly, claims 16, 63, and 64 are patentable under 35 U.S.C. § 103(a) over the combination of *Pritchett*, *Usami*, and *Watanabe* as applied against claim 13, and further in view of *Parulski et al.* for at least the same reasons set forth above in connection with the obviousness rejection of claim 1.

Applicant respectfully requests reconsideration of the rejection of claims 50-53 under 35 U.S.C. § 103(a) as being unpatentable over the combination of *Pritchett*, *Usami*, and *Roberts* as applied against claim 3, and further in view of *Watanabe*. None of the *Pritchett*, *Usami*, *Roberts*, and *Watanabe* references discloses or suggests the claimed concept of

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determining whether or not out of gamut information for a predetermined color space is to be used. Accordingly, for at least the same reasons set forth above in connection with the obviousness rejection based on the *Pritchett* and *Usami* references, claims 50-53 are patentable under 35 U.S.C. § 103(a) over the combination of *Pritchett*, *Usami*, *Roberts*, and *Watanabe*.

Applicant respectfully requests reconsideration of the rejection of claims 17, 18, 54-56, 58, and 65-70 under 35 U.S.C. § 103(a) as being unpatentable over the combination of *Pritchett*, *Usami*, and *Ito* as applied against claim 4, and further in view of *Watanabe*. None of the *Pritchett*, *Usami*, *Ito*, and *Watanabe* references discloses or suggests the claimed concept of determining whether or not out of gamut information for a predetermined color space is to be used. Furthermore, each of independent claims 17 and 65 has been amended to specify that the use information is given to the image data by an image data generating device. Accordingly, for at least the same reasons set forth above in connection with the obviousness rejection based on the *Pritchett* and *Usami* references, claims 17, 18, 54-56, 58, and 65-70 are patentable under 35 U.S.C. § 103(a) over the combination of *Pritchett*, *Usami*, *Ito*, and *Watanabe*.

Applicant respectfully requests reconsideration of the rejection of claim 57 under 35 U.S.C. § 103(a) as being unpatentable over the combination of *Pritchett*, *Usami*, *Roberts*, and *Watanabe* as applied against claim 50, and further in view of *Ito*. None of the *Pritchett*, *Usami*, *Roberts*, *Watanabe*, and *Ito* references discloses or suggests the claimed concept of determining whether or not out of gamut information for a predetermined color space is to be used. Accordingly, for at least the same reasons set forth above in connection with the obviousness rejection based on the *Pritchett* and *Usami* references, claim 57 is patentable under 35 U.S.C. § 103(a) over the combination of *Pritchett*, *Usami*, *Roberts*, *Watanabe* and *Ito*.

Applicant respectfully requests reconsideration of the rejection of claims 24-26 and 31 under 35 U.S.C. § 103(a) as being unpatentable over the combination of *Pritchett*, *Usami*, and *Roberts*, as applied against claim 3, and further in view of *Ito*. None of the *Pritchett*, *Usami*, *Roberts*, and *Ito* references discloses or suggests the claimed concept of determining whether or not out of gamut information for a predetermined color space is to be used. Accordingly, for at least the same reasons set forth above in connection with the obviousness rejection based on the *Pritchett* and *Usami* references, claims 24-26 and 31 are patentable under 35 U.S.C. § 103(a) over the combination of *Pritchett*, *Usami*, *Roberts*, and *Ito*.

Further, regarding claim 24, none of the *Pritchett*, *Usami*, *Roberts*, and *Ito* references discloses or suggests using different gamma correction values for two pieces of image data that respectively contain positive color representation values and negative color representation values. In response to the Examiner's position regarding the official notice taken in this application, Applicant's arguments set forth above with regard to claim 9 also apply to claim 24.

Applicant respectfully requests that the amendments proposed herein be entered. The proposed amendments respond to the Examiner's position regarding the alleged "use information" shown in the prior art, and are believed to place the application in condition for allowance. Moreover, the proposed amendments are not believed to raise any new issues or require any additional search. Accordingly, Applicant respectfully submits that the proposed amendments comply with the requirements of 37 C.F.R. § 1.116(b) and should be entered.

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of claims 1-72, as amended herein, and submits that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6902**. If any fees are due in connection

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with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP004).

Respectfully submitted,  
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